

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DANA-FARBER CANCER INSTITUTE, INC.,

Plaintiff,

- and-

PFIZER INC., WYETH LLC,
and GENETICS INSTITUTE, LLC,

Intervenors-Plaintiffs,

v.

ONO PHARMACEUTICAL CO., LTD.,
TASUKU HONJO, E.R. SQUIBB & SONS,
L.L.C., and BRISTOL-MYERS SQUIBB, CO.,

Defendants.

Civil Action No. 1:15-cv-13443-PBS

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), all parties in the above-captioned matter (the “Parties”) hereby stipulate to the dismissal of all claims asserted by Intervenors-Plaintiffs Pfizer Inc., Wyeth LLC, and Genetics Institute, LLC (“Pfizer”) against Defendants Ono Pharmaceutical Co. Ltd., Tasuku Honjo, E.R. Squibb & Sons, L.L.C., and Bristol-Myers Squibb, Co. (“Defendants”), WITH PREJUDICE and without costs.

The Parties request that the Court enter an order of dismissal of only Pfizer’s claims against Defendants in the action. This stipulation does not affect the claims asserted by Plaintiff Dana-Farber Cancer Institute, Inc. against Defendants or the inventorship of the patents-in-suit.

February 6, 2019

<p>PFIZER INC., WYETH LLC, AND GENETICS INSTITUTE, LLC</p> <p>By their attorneys,</p> <p><u>/s/ Lee Carl Bromberg</u> Lee Carl Bromberg (BBO #58480) Wyley S. Proctor (BBO # 666613) McCARTER & ENGLISH, LLP 265 Franklin Street Boston, MA 02110 (617) 449-6500 lbromberg@mccarter.com wproctor@mccarter.com</p> <p>OF COUNSEL: Kathleen M. Sullivan (BBO # 551053) Peter J. Armenio, P.C. (<i>pro hac vice</i>) Robert B. Wilson (<i>pro hac vice</i>) Laura L. Fairneny (BBO # 672808) Anastasia M. Fernands (BBO # 633131) QUINN EMANUEL URQUHART & SULLIVAN, LLP 51 Madison Avenue New York, NY 10010 (212) 849-7000 kathleensullivan@quinnemanuel.com peterarmenio@quinnemanuel.com robertwilson@quinnemanuel.com laurafairneny@quinnemanuel.com anastasiafernands@quinnemanuel.com</p> <p>DANA-FARBER CANCER INSTITUTE, INC.</p> <p>By its attorneys,</p> <p><u>/s/ Donald R. Ware</u> Donald R. Ware (BBO No. 516260) dware@foleyhoag.com Barbara A. Fiacco (BBO No. 633618) bfiacco@foleyhoag.com Sarah S. Burg (BBO No. 683245)</p>	<p>ONO PHARMACEUTICAL CO., LTD., TASUKU HONJO, E. R. SQUIBB & SONS, L.L.C. AND BRISTOL-MYERS SQUIBB CO.</p> <p>By their attorneys,</p> <p><u>/s/ Dianne B. Elderkin</u> Kevin S. Prussia (BBO #666813) kevin.prussia@wilmerhale.com Kevin M. Yurkewich (BBO #689909) kevin.yurkewich@wilmerhale.com WILMER CUTLER PICKERING HALE AND DORR LLP 60 State Street Boston, MA 02109 Tel: (617) 526-6000 Fax: (617) 526-5000</p> <p>Amy Wigmore (BBO #629725) amy.wigmore@wilmerhale.com WILMER CUTLER PICKERING HALE AND DORR LLP 1875 Pennsylvania Avenue NW Washington, DC 20006 Tel: (202) 663-6096 Fax: (202) 663-6363</p> <p>Dianne B. Elderkin (<i>pro hac vice</i>) delderkin@akingump.com Steven D. Maslowski (<i>pro hac vice</i>) smaslowski@akingump.com Matthew A. Pearson (<i>pro hac vice</i>) mpearson@akingump.com Melissa Gibson (<i>pro hac vice</i>) mgibson@akingump.com Jason Weil (<i>pro hac vice</i>) jweil@akingump.com AKIN GUMP STRAUSS HAUER & FELD LLP Suite 4100 Two Commerce Square 2001 Market Street Philadelphia, PA 19103-7013</p>
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ORDER

IT IS SO ORDERED on this _____ day of _____, 2019.

The Honorable Patti B. Saris
Chief Judge
United States District Court
District of Massachusetts
Boston Division

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document, filed through the CM/ECF system, will be sent electronically to the registered participants of record as identified on the Notice of Electronic Filing on February 6, 2019.

/s/ Wyley Proctor
Wyley Proctor